

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MARCOS SENA,)
Petitioner,)
)
v.)
)
LUIS SPENCER,)
Respondent.)
)

Civil Action No. 05-10381-DPW

**RESPONDENT'S MOTION FOR ENLARGEMENT OF TIME
TO FILE ANSWER AND OTHER RESPONSIVE PLEADING**

The respondent, Luis Spencer, through undersigned counsel, hereby requests that this Court permit him to enlarge the time to file his answer and motion to dismiss, or merits memorandum, until May 20, 2005. As grounds, undersigned counsel states that he is currently engaged in numerous additional matters including; filing a merits memorandum in the case of *Morales v. Russo*, U.S.D.C. No. 04-30191-MAP, on March 31, 2005; preparing for a motion hearing in the case of *Knight v. Spencer*, U.S.D.C. No. 03-11253-MEL, on April 12, 2005; and preparing merits memoranda due in the United States District Court on April 15, 2005, in the cases of *Davis v. Brady*, No. 04-10386-MLW, and *Tavares v. O'Brien*, No. 04-40059-FDS. In addition, undersigned counsel has been assigned to oppose a motion for a new trial in the case of *Commonwealth v. Bernardo Nadal-Ginard*, Suffolk Superior Court Nos. 1994-10150, 11198, by April 29, 2005, and is scheduled to argue the case of *Commonwealth v. Clemmey*, No. SJC - 09463, in the Supreme Judicial Court, during its May sitting. Further, earlier today, undersigned counsel requested an enlargement of time until May 11, 2005, in which to file an answer or other responsive pleading in the case of *Loughman v. O'Brien*, U.S.D.C. No. 05-10374-RCL.

Undersigned counsel further states that he has ordered and is awaiting pertinent documents from the Middlesex County District Attorney's Office.

For the foregoing reasons, counsel respectfully requests that this Court enlarge the time to file an answer or other responsive pleading until May 11, 2005.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Daniel I. Smulow
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Dated: April 1, 2005

Certificate of Compliance with Local Rule 7.1(A)(2)

I, Daniel I. Smulow, hereby certify that earlier today, I telephoned Stephen Neyman, Esq., counsel for the petitioner and left a message requesting that he return my call. As of the filing of this motion, Attorney Neyman has not had the opportunity to return this call.

/s/ Daniel I. Smulow

Certificate of Service

I, Daniel I. Smulow, hereby certify that a true copy of the above document was served on Stephen Neyman, Esq., 160 State Street, Eighth Floor, Boston, MA 02109-2502, by first class mail, postage prepaid, on April 1, 2005.

/s/ Daniel I. Smulow